

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:09 CR 200-01
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
SEAN M. DALY,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of Sean M. Daly, which was referred to the Magistrate Judge with the consent of the parties.

On April 27, 2009, the government filed a one count Indictment, charging Defendant, Sean M. Daly, with Securities Fraud in violation of Title 15 United States Code, Sections 78j(b) and 78ff(a); and Title 17, Code of Federal Regulations, Section 240.10b-5. Defendant Daly was arraigned on May 11, 2009, entered of guilty to count 1 and Magistrate Judge Kenneth S. McHargh issued a Report and Recommendation (“R&R”) concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge’s R&R in the ten days after it

was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Sean M. Daly is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Sean M. Daly is adjudged guilty to Count 1 of the Information, in violation of Title 15 United States Code, Sections 78j(b) and 78ff(a); and Title 17, Code of Federal Regulations, Section 240.10b-5. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on June 30, 2010, at 11:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

June 14, 2010